

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, <i>et al.</i> ,	:	
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-cv-2989-AT
BRAD RAFFENSPERGER, <i>et al.</i> ,	:	
	:	
	:	
Defendants.	:	
	:	

ORDER

At the parties' request, the Court has scheduled this matter for a status conference on Friday, December 6, 2019 at 11:00 a.m.

The Coalition Plaintiffs wish to address the following implementation and scheduling issues:

1. Implementation Issues

- a. The use of a paper pollbook backups at each precinct;
- b. The progress the State Defendants have made in developing a backup plan using hand-marked paper ballots, including the success or failure of the Cobb County pilot and the security and operational problems experienced in Cobb County with the new electronic pollbooks and scanners;
- c. The success or failure of the six November 5, 2019 county pilot elections conducted using the new Dominion system, including

the BMDs, the new electronic pollbooks, printers, scanners and other equipment and processes;

- d. In light of the experiences in the pilots of the pollbooks, scanners and BMDs, whether the State should be directed to have a contingency plan requiring a sufficient stock of hand-marked paper ballots and paper back up pollbooks available at every polling location for the March 2020 Presidential primaries; and
- e. A more general issue relating to implementation and enforcement of the Preliminary Injunction is how these issues should be addressed (for example, through formal motion or rule nisi).

2. New BMD System Preliminary Injunction Schedule

- a. The scheduling of a hearing on Plaintiffs' Motions for Preliminary injunction ([Doc. 619](#) and [Doc. 640](#)); and
- b. A discovery schedule in advance of the hearing on the Motions for Preliminary Injunction.

The Curling Plaintiffs requested: (1) oral argument on the Plaintiffs' Joint Motion for Sanctions and the State Defendants' Motion to Dismiss the Plaintiffs' Amended/Supplemental Complaints; and (2) a status conference to address the schedule for and scope of a hearing on the Plaintiffs' Motion for Preliminary Injunction targeting the BMDs and a schedule for expedited discovery on the BMD claims.

The State Defendants seek: (1) to address modifications of the current Scheduling Order, entered on June 21, 2019; and (2) to obtain direction from the Court related to the preservation and decertification of the DRE/GEMS voting system.

The Court will not hear oral argument as requested on the Motion for Sanctions and the Motion to Dismiss. While the Court does not believe oral argument is necessary, it may have questions for the parties regarding the Motion to Dismiss. The Court intends to address all other issues posed by the parties but does not intend to address the Motion for Sanctions at the status conference.

IT IS SO ORDERED this 3rd day of December, 2019.



Amy Totenberg
United States District Judge